



Nevada State Board of Medical Examiners

* * * MINUTES * * *

OPEN SESSION EMERGENCY TELEPHONE CONFERENCE CALL BOARD MEETING

Board Office Conference Room
1105 Terminal Way, Suite 301, Reno, NV 89502

FRIDAY, JUNE 16, 2006 - 12:30 p.m.

Board Members Present at Board Office

Jean Stoess, M.A.

Board Members Present by Telephone

Javaid Anwar, M.D., President
Sohail U. Anjum, M.D., Vice President
Marlene J. Kirch
S. Daniel McBride, M.D.
Benjamin J. Rodriguez, M.D.

Staff Present at Board Office

Laurie L. Munson, Deputy Executive Director/
Information Systems Administrator/Chief of Administration
Bonnie S. Brand, J.D., General Counsel
Lyn E. Beggs, J.D., Deputy General Counsel
Lynnette L. Daniels, Chief of Licensing
Angelia L. Donohoe, Legal Assistant
Pamela C. Gabica, Administrative Assistant

Also Present by Telephone

Dianna Hegeduis, J.D., Chief Deputy Attorney General

CALL TO ORDER

The AT&T telephone conference call operator took roll call of those participating by telephone.

Dr. Anwar called the meeting to order at 12:30 p.m.

Ms. Brand named those present in the Board office conference room in Reno.

IN THE MATTER OF HARRISTON L. BASS, JR., M.D.

General Counsel, Bonnie S. Brand, J.D., asked whether all participating Board members had received and reviewed the materials sent to them prior to the meeting concerning this matter, and all indicated they had.

Ms. Brand summarized the case. She explained the case was initiated as a result of reports of over-prescribing on the part of Dr. Bass, and deaths that may have been related to his prescribing practices. The Board has analyzed the cases of 9 patients out of a total of 47 the Board has received, which included 6 deaths – 5 overdoses and 1 suicide. It cannot be ruled out in any of those cases that Dr. Bass's prescribing practices at least contributed to the patients' deaths. The profiles of those patients strongly suggest they were addicts, and there is no evidence Dr. Bass ever discussed addiction with any of them. Dr. Bass was also dispensing drugs in non-compliance with Pharmacy Board Regulations. On June 1 there was a raid by the Board's Investigators, the Nevada Department of Public Safety and the Drug Enforcement Administration. Hundreds of wholesale bottles of controlled substances were found in Dr. Bass's home and car, and were not securely stored, and \$160,000 in one-hundred-dollar bills was also found. The Nevada Department of Public Safety has the remaining records and the contraband and is analyzing it to determine what to do next.

Ms. Brand stated the complaint filed against Dr. Bass alleges nine counts of malpractice, nine counts of practicing medicine which he knows, or has reason to know, he is not qualified to practice, one violation of a Pharmacy Board regulation for not registering with the Board of Pharmacy to dispense controlled substances, one count of failure to maintain timely, legible, accurate and complete records relating to the diagnosis, care and treatment of a patient, one count of failure to follow the model guidelines for treatment of pain, and one count of administering, dispensing or prescribing any controlled substance or dangerous drug, except as authorized by law. The first two violations are alleged as nine separate counts for each patient, but the others are not. She will be filing an amended complaint which will allege the remaining violations as to all nine patients.

In response to a question by Dr. McBride, Ms. Brand stated there have been no federal charges filed against Dr. Bass to date. Staff will notify the Pharmacy Board, the DEA and Nevada hospitals of whatever action is taken by the Board.

Dr. McBride asked whether Docs 24-7 is Dr. Bass's own company or whether he was working for the company. Ms. Brand stated it is Dr. Bass's company. He was visiting people at home, in hotels and at construction sites. He has been licensed in Nevada since 1985.

Ms. Hegeduis stated the purpose of this meeting was for the Board to determine whether the public safety and well being is in jeopardy by Dr. Bass's continued practice.

Ms. Daniels stated Dr. Bass's license was revoked in 1992, but was stayed for three years with terms and conditions. Ms. Brand stated Dr. Bass is not in compliance with the Board's 1992 Order.

Ms. Brand then read the proposed findings and Order of Summary Suspension:

1. That unforeseen circumstances have arisen and exist that pose a risk of impairment of the health and safety of the public and that require emergency Board action.
2. That Respondent is a general practice physician licensed to practice medicine in the State of Nevada.
3. That Board investigative staff, in coordination with the U.S. Drug Enforcement Administration and the Nevada State Department of Public Safety, uncovered reliable information demonstrating that Dr. Bass has been over-prescribing controlled substances.
4. That Respondent has written prescriptions for large amounts of controlled substances on an ongoing basis for the 9 patients listed in the Complaint.
5. That there is no evidence that Respondent tapered off the amounts of controlled substances provided or referred any of the 9 patients to a pain management specialist.
6. That there is a strong inference that the patients were addicted to controlled substances, but there is no evidence that Dr. Bass discussed the dangers of addiction with any of the 9 patients.
7. That Respondent's prescribing practices cannot be ruled out as contributing factors in the deaths of 6 patients, 5 of whom died of overdoses, and 1 of whom committed suicide.
8. That Respondent has been storing extremely large amounts of controlled substances in his car and in his home.
9. That Respondent has been dispensing controlled substances to his patients without registering with the Nevada State Board of Pharmacy as a dispensing physician.
10. That allowing Respondent to continue to practice and continue to dispense or prescribe medications presents an unacceptable risk to the citizens of Nevada.

Now, therefore, it is hereby ordered that his license will be suspended pending proceedings for disciplinary action and issuance of a final order, and a hearing date will be set.

Mrs. Kirch moved that the Board adopt the findings of fact and conclusions of law and summarily suspend the license of Harriston L. Bass [Jr.], M.D. Ms. Stoess seconded the motion, and it passed unanimously.

Ms. Brand stated it was expected the order would be served on Dr. Bass that day, and staff would also notify the Pharmacy Board and other agencies.

ADJOURNMENT

Dr. Anwar adjourned the meeting at 12:45 p.m.